

MAY 17 2004

OFFICIAL

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hiroyuki Nitta et al.

Serial No.: 09/883,210

Filed: June 19, 2001

Group Art Unit: 2815

Examiner: J. Nguyen

Atty. Dkt. No. 01701.00086

RECEIVED

JUN 25 2004

OFFICE OF PETITIONS

For: Semiconductor Device Having A Wiring Layer Of Damascene Structure And Method  
For Manufacturing The Same

**Petition To Withdraw Examiner's Holding Of Abandonment**  
**(or in the alternative, a Petition to Revive Unintentional)**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicants are in receipt of the Examiner's Holding of Abandonment of January 17, 2003.

On April 19, 2002, Applicants responded to the Examiner's letter of March 22, 2002. On the same day, Applicants filed a preliminary amendment that clarified claim 4. Applicants attach the documents including the fax coversheet for the transmission at Tab A.

Applicants' representative telephoned the Group Receptionist on January 30, 2003, and learned that neither filing of April 19, 2002, had been entered.

If the Examiner does not withdraw the notice of abandonment, Applicants respectfully request the application be revived by means of the attached Petition to Revive Unintentional (and a fee sheet authorizing debit to our deposit account) attached at Tab B.

Please charge any fee associated with the filing of this paper to our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.  
1001 G Street, N.W., 11<sup>th</sup> Floor  
Washington, D.C. 20001  
(202) 824-3000

Dated: January 30, 2003

By:

Joseph M. Potenza

Registration No. 28,175

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
001701.00088

First named inventor: Hiroyuki Nitta et al

Application No.: 09/883,210

Group Art Unit: 2815

Filed: June 19, 2001

Examiner: Joseph Nguyen

Title: Semiconductor Device Having a Wiring Layer of Damascene Structure and Method for Manufacturing the Same

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$1300 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Election and Amendment (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/64 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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## 3. Terminal disclaimer with disclaimer fee

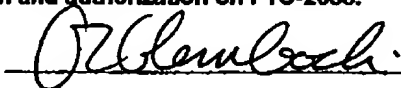
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

January 30, 2003

Date



Signature

Telephone  
Number: (202) 824-3000

Christopher R. Glembocki, Reg. No. 38,800

Typed or printed name

Banner &amp; Witcoff, LTD

Address

1001 G Street, NW 11 Fl. Washington DC, 20001

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other : \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate